

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS**

WILLIAM RAY ROGERS,)
Plaintiff,)
v.) Case No.: 24-CV-01451-SPM
ROXANA CHURCH OF THE NAZARENE,)
Defendant.)

**DEFENDANT ROXANA CHURCH OF THE NAZARENE'S
MOTION TO DISMISS COMPLAINT**

COMES NOW Defendant, Roxana Church of the Nazarene, by and through its attorneys, Mathis, Marifian & Richter, Ltd., and, for its Motion to Dismiss Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) and applicable law, states as follows:

1. Defendant Roxana Church of the Nazarene (the “Church”) is a local congregation in the General Church of the Nazarene, which is an international protestant denomination that includes over 30,000 churches in approximately 170 countries worldwide.
2. Plaintiff alleges that he “is and was” a member of the Church. (Doc. #1-1 at ¶1).
3. He has brought suit against the Church seeking a declaration that his “expulsion” from the Church was “VOID and WITHOUT lawful effect” and desires that the Court preclude the Church from taking such action against him. (*Id.* at p. 2).
4. As set forth more fully in the Memorandum in Support of this Motion, Plaintiff has failed to state a claim upon which relief may be granted, and his Complaint must be dismissed.
5. Not only does Plaintiff fail to allege the elements of a cognizable claim, but Plaintiff’s allegations and Complaint purport to put at issue non-justiciable questions of internal church governance and discipline, which are protected under the First Amendment of the United

States Constitution. *Hosanna-Tabor Evangelical Lutheran Church & Sch. v. E.E.O.C.*, 565 U.S. 171, 132 S. Ct. 694, 181 L. Ed. 2d 650 (2012)

6. Both the Establishment and Free Exercise Clauses of the First Amendment prohibit civil courts from adjudicating matters concerning theological controversies, *church discipline*, ecclesiastical government, *and the conformity of members of the church to standard of morals required of them*. *Watson v. Jones*, 80 U.S. 679, 733, 20 L. Ed. 666 (1871) (emphasis added).

7. Whenever a question of discipline, faith, or ecclesiastical rule or law has been decided by a church, civil courts must accept those decisions as final and binding. *Id.* at 727.

8. Matters of membership and church discipline are fundamentally linked to questions of faith and ecclesiastical law that are reserved to churches for determination without intervention by civil courts. *Myhre v. Seventh-Day Adventist Church Reform Movement Am. Union Int'l Missionary Soc'y*, No. 1:14-CV-03899-SCJ, 2015 WL 13687326 (N.D. Ga. July 24, 2015), aff'd, 719 F. App'x 926 (11th Cir. 2018).

WHEREFORE, Defendant, Roxana Church of the Nazarene, respectfully requests that this Court dismiss the Complaint with prejudice, award it its costs herein, and award such other and further relief as the Court deems just and proper.

Respectfully submitted,

MATHIS, MARIFIAN & RICHTER, LTD.

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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing was served upon Plaintiff by first class mail, postage prepaid, addressed as follows:

William Rogers
268 South 8th
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/s/ Laura E. Schrick